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P.2

PATENT
Attorney Docket No.: PD-N96055
Customer No.: 020991

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
DOUGLAS M. DILLON)
Appln. No.: 08/838,242)
Filed: April 16, 1997)
For: SATELLITE BROADCASTING)
SYSTEM EMPLOYING)
CHANNEL SWITCHING)

Examiner: R. Brown
Group Art Unit: 2611

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Technology Center 2600

Commissioner for Patents
Washington, DC 20231

DECLARATION UNDER 37 C.F.R. § 1.131 OF JOHN T. WHELAN

Sir:

I, John T. Whelan, hereby declare:

1. I am the attorney in charge of prosecuting the above-referenced application.
2. Prior to February 11, 1997, the inventor Douglas M. Dillon conceived in the United States the inventions set forth in Claims 87, 129, 133, and 134 as set forth in the Claim Sheet attached at Tab 1.
3. I know this because prior to that date, I received from Mr. Dillon a document entitled "Invention Disclosure: DirecPC Gear Shifting" that he prepared.
4. A copy of the document from which dates have been redacted is attached at Tab 2.

5. The document evidences the conception of the inventions of the claims. (See Tab 2.)

6. From prior to February 11, 1997, continuing through the April 16, 1997, filing date of the subject application, I diligently had the subject application prepared.

7. Such is evidenced by my February 10, 1997, letter, and March 14, 1997, March 21, 1997, and April 3, 1997, letters from the attorney that I hired to prepared the application, Scott M. Gettleson.

8. Copies of those letters are attached at Tabs 3, 4, 5, and 6, respectively.

9. From those letters, the following facts showing diligence can be discerned.

10. On February 10, 1997, I wrote to Mr. Gettleson's law firm to request that the application be drafted. (See Tab 3.)

11. On March 6, 1997, Mr. Gettleson and Mr. Dillon met to discuss the preparation of the application. (See Tab 5, p. 2, first full paragraph.)

12. On March 13, 1997, Mr. Gettleson telephoned Mr. Dillon regarding the preparation of the application. (See Tab 4.)

13. On March 14, 1997, Mr. Gettleson was preparing to send the first draft of the application to Mr. Dillon. (See Tab 4.)

14. On March 21, 1997, Mr. Gettleson sent the first draft of the application to Mr. Dillon. (See Tab 5.)

15. On April 3, 1997, Mr. Gettleson sent a final draft of the application.
(See Tab 6.)

16. Mr. Dillon then reviewed the application, and on April 14, 1997, he executed a Declaration Under 37 C.F.R. § 1.63, a copy of which is attached at Tab 7.

17. I then filed the application on April 16, 1997.

18. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application and any patent issuing thereon.

04-02-03
Date (Month/Day/Year)


John T. Whelan